

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

EIGHT MILE STYLE, LLC; MARTIN
AFFILIATED, LLC,

Plaintiffs,

v.

SPOTIFY USA INC.; HARRY FOX AGENCY,
LLC,

Defendants.

Civil Case No. 19-CV-00736

Hon. Aleta A. Trauger

JURY DEMAND

SPOTIFY USA INC.,

Third-Party Plaintiff,

v.

KOBALT MUSIC PUBLISHING AMERICA,
INC.,

Third-Party Defendant.

**SPOTIFY USA INC.’S UNOPPOSED MOTION FOR LEAVE TO FILE DOCUMENTS
UNDER SEAL**

Pursuant to Section 5.07 of the Amended Practices and Procedures for Electronic Case Filing (Administrative Order 167-1), Spotify USA Inc. (“Spotify”) respectfully moves for leave to file under seal its Memorandum of Law in Support of its Motion to Exclude the Reports and Testimony of Plaintiffs’ Expert Quentin Bradley and Exhibits 1 through 9. Spotify’s counsel conferred with the parties’ counsel, which do not oppose this request.

To “justify nondisclosure to the public,” “[t]he proponent of sealing must provide

compelling reasons to seal the documents and demonstrate that the sealing is narrowly tailored to those reasons—specifically, by ‘analyz[ing] in detail, document by document, the propriety of secrecy, providing reasons and legal citations.’” *Beauchamp v. Federal Home Loan Mortgage Co.*, 658 F. App’x 202, 207 (6th Cir. 2016) (quoting *Shane Grp, Inc. v. Blue Cross Blue Shield of Michigan*, 825 F.3d 299, 305-306 (6th Cir. 2016)). In accordance with the foregoing, Spotify proposes to file under seal its Memorandum and Exhibits 1-8 that include confidential business information and information marked Highly Confidential – Outside Counsel’s Eyes Only pursuant to the Protected Order filed in this action. *See* ECF No. 217. Redactions are not feasible given the nature and designated status of the exhibits.

The requested relief will accordingly avoid any public disclosure that could violate agreements or implicate any party’s (or non-party’s) privacy or confidential business interests. *See Good L. Corp. v. Fasteners for Retail, Inc.*, 2020 WL 6948360, at *2 (M.D. Tenn. Jun. 15, 2020) (granting a motion to seal because the documents include “specific financial and market information”); *London Computer Sys., Inc. v. Zillow, Inc.*, 2019 WL 4110516, at *4 (S.D. Ohio Aug. 29, 2019) (noting that disclosure of documents would “cause a competitive disadvantage” to the corporation).

For similar reasons, this Court previously granted various requests from the parties to file materials under seal, including Third-Party Defendant Kobalt’s Answer, Kobalt’s Opposition to Spotify’s Motion to Compel the Production of Documents, and Plaintiffs’ Opposition and Sur-Reply to Spotify’s Motion for a Protective Order. *See* ECF Nos. 109, 186, 226, and 239.

WHEREFORE, Spotify respectfully requests that the Court grant Spotify leave to file its Memorandum and Exhibits 1-9 under seal. No party opposes Spotify’s request to file the referenced documents under seal.

Dated: September 22, 2023

Respectfully submitted,

By: /s/ Aubrey B. Harwell

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically on September 22, 2023 with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to all parties and counsel of record by operation of the Court's CM/ECF system. Parties may access this filing through the Court's electronic filing system.

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